

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION**

**PLANNED PARENTHOOD MINNESOTA,
NORTH DAKOTA, SOUTH DAKOTA, and
SARAH A. TRAXLER, M.D.,**

Plaintiffs,

v.

**KRISTI NOEM, Governor, JOAN ADAM,
Interim Secretary of Health, Department of
Health, and PHILIP MEYER, D.O.,
President, South Dakota Board of Medical
and Osteopathic Examiners, in their official
capacities,**

Defendants.

Case No. 22-4009

**PLAINTIFFS' MOTION FOR A
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Plaintiffs Planned Parenthood Minnesota, North Dakota, South Dakota and Sarah A. Traxler, M.D., hereby move pursuant to Rule 65 of the Federal Rules of Civil Procedure for a temporary restraining order and preliminary injunction against portions of South Dakota Department of Health Rule 44:67:04:13 (the "Rule"). Absent relief from this Court, the Rule will take effect on January 27, 2022.

As set forth in the accompanying brief and supporting exhibits, (1) Plaintiffs have a fair chance of prevailing, and, indeed, are likely to succeed, on the merits; (2) Plaintiffs and their patients will suffer irreparable harm if the Rule is enforced; (3) the balance of equities tips decidedly in Plaintiffs' favor; and (4) granting temporary injunctive relief would serve the public interest. Plaintiffs are therefore entitled to immediate relief and respectfully request that this

Court grant their motion for a temporary restraining order and preliminary injunction.

Pursuant to Local Rule 7.1.C, Plaintiffs request oral argument on their motion.

Dated: January 19, 2022

/s/ Stephanie Amiotte

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*Application for admission *pro hac vice*
forthcoming

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Motion for Temporary Restraining Order and Preliminary Injunction was sent on the 19th day of January, 2022, via facsimile or electronic mail to the following:

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This 19th day of January, 2022.

/s/ Stephanie Amiotte

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